

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE CHICAGO REGIONAL	)	
COUNCIL OF CARPENTERS PENSION FUND, et al.,	)	
	)	
Plaintiffs,	)	Judge Aspen
v.	)	
	)	Case 18-cv-00157
ESCORZA TILE, INC.,	)	
	)	
Defendant.	)	

**MOTION TO REINSTATE THE CASE AND ENTER JUDGMENT**

Now come Plaintiffs, the Chicago Regional Council of Carpenters Pension Fund, et al., by their attorney, David Whitfield, of McGann, Ketterman & Rioux and respectfully requests that this Honorable Court reinstate the case and enter final judgment for the amounts found to be owed. In support of the motion, the Plaintiffs state as follows:

1. Plaintiffs filed their complaint on January 9, 2018, and good service of summons occurred on January 11, 2018. (Exhibit A, Affidavit of Service)
2. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements which created the Trust Funds. (Exhibit B. – Signed Agreement)
3. This action arises under Section 502 of the Employee Retirement Income Security Act and Section 301 of the Taft-Hartley Act. (29 U.S.C. §§1132 and 185). Jurisdiction is founded on the existence of questions arising thereunder.
4. The Defendant must submit monthly reports listing the hours worked by its carpenter employees ("contribution reports") and to make concurrent payment of contributions to the Trust Funds based upon the hours worked by its carpenter employees. (Exhibit C – Sworn Declaration of Kristina Guastaferrri)

5. Plaintiffs and Defendant entered into an Agreed Order of Dismissal on April 5, 2018. (Exhibit D – Agreed Order of Dismissal)

6. The Defendant breached Paragraph 2 of the Agreed Order of Dismissal by failing to maintain the agreed upon monthly installment payments to the Plaintiffs. The Defendant owes the Plaintiffs \$141,316.04 of the Agreed Order of Dismissal. (Exhibit C – Sworn Declaration of Kristina Guastaferrri)

7. Paragraph 4 of the Agreed Order of Dismissal provides Plaintiffs' the right to seek entry of a judgment if Paragraph 2 is breached. (Exhibit D – Agreed Order of Dismissal)

WHEREFORE, Plaintiffs pray:

- a) That the Defendant be ordered to submit payment of \$141,316.04 to the Plaintiffs.
- b) That Plaintiffs have such other and further relief as by the Court may be deemed just and equitable all at the Defendant's costs pursuant to 29 U.S.C. §1132(g)(2)(E).

By: /s/ David Whitfield  
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